

**MARICOPA COUNTY FLOOD CONTROL DISTRICT BOARD OF DIRECTORS MINUTE BOOK**

**FORMAL SESSION  
August 22, 2007**

The Board of Directors of the Flood Control District of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., August 22, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Vice Chairman, District 3, Acting Chairman for this meeting; Don Stapley, District 2 and Max W. Wilson, District 4. Absent: Fulton Brock, Chairman, District 1 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**MINUTES**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve the minutes of the meeting held on May 16, 2007.

**EASEMENTS AND RIGHT-OF-WAY ACQUISITION DOCUMENTS**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**Wickenburg Downtown Flooding Hazard Mitigation (Per Resolution FCD2005R008)**

Item FA027.028-FE, Flowage Easement and Agreement for Flood Control Purposes from Keith R. Cliché to the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona, for the sum of \$2,000.00.

**Queen Creek Road Basin Project (Per Resolution FCD FCD1999R016)**

Item A009.002-EX2, Quitclaim and Release of Reversionary Interest from the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona to the City of Chandler, an Arizona municipal corporation, for the sum of \$1.00, per IGA FCD 2004A014. (3 copies enclosed for signature)

**Spookhill FRS (Per Resolution FCD1999R016)**

District Parcel: SH557, Permit No: 2002P066, Non-Exclusive Waterline Easement from the Flood Control District of Maricopa County, a municipal corporation and political subdivision of the State of Arizona to the City of Mesa, a municipal corporation of the State of Arizona, for the sum of \$6,015.00.

**FLOOD CONTROL DAMS AND DAM SAFETY PROGRAM DEVELOPMENT WORK**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve Intergovernmental Agreement Amendment FCD 2004A018A to IGA FCD 2004A018, Dam Safety Program Planning and Structures Assessment (PCN 026.01.26), between the Flood Control District of Maricopa County and the City of Phoenix for cost sharing and implementation of engineering assessments and Emergency Action Plan development for 12 non-jurisdictional City of Phoenix flood control dams and other City of Phoenix Dam Safety Program development work. (C6905102201)

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**AGREEMENTS TO LEASE OFFICE SPACE WITH MARICOPA COUNTY PUBLIC WORKS**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to approve agreements to lease office space between the Flood Control District of Maricopa County with Maricopa County Public Works. Due to the consolidation of responsibilities, office equipment, and modular furniture within the District into Public Works, it is necessary to memorialize space leasing arrangements. These agreements will be effective commencing on July 1, 2007. A corresponding agenda item C6408021M00 was approved by the Board of Supervisors on August 8, 2007. (C6908005M00)

**RESOLUTION FCD 2007R003, ELM LANE DRAINAGE IMPROVEMENTS**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to adopt Resolution FCD 2007R003, Elm Lane Drainage Improvements. This Resolution authorizes and directs the Chief Engineer and General Manager of the Flood Control District of Maricopa County to develop and negotiate Intergovernmental Agreements and/or Agreements for the cost sharing, design, construction, construction management, rights-of-way acquisition, operation and maintenance with the City of Avondale and others and authorization to perform design; authorization for rights-of-way acquisition, and program funding for the Elm Lane Drainage Improvements (Project). (C6908008600) (ADM1900)

**RESOLUTION FCD2007R003  
ELM LANE DRAINAGE IMPROVEMENTS**

**WHEREAS**, Arizona Revised Statutes Title 48, Chapter 21 requires the Board of Directors of the Flood Control District to identify flood problems and plan for the construction of facilities to eliminate or minimize flooding problems within Maricopa County; and,

**WHEREAS**, the proposed project is located with in the Loop 303 Corridor / White Tanks ADMP Update (ADMPU), published in 2005, which identified and proposed to mitigate existing and future drainage and flooding problems in the western metropolitan area bounded by the Agua Fria River, McMicken Dam, the White Tank Mountains, and the Gila River; and,

**WHEREAS**, the City of Avondale submitted the Elm Lane Drainage Improvements project that identified flooding problems associated with a portion of the ADMPU watershed that include storm drain(s) and basin(s) located along Central Avenue to Festival Fields Park just northwest of the Agua Fria River, as shown on Exhibit A, attached hereto and made a part hereof; and,

**WHEREAS**, the area was urbanized prior to current drainage guidelines and the regional drainage and flooding problems in the area have not been comprehensively addressed; and,

**WHEREAS**, the City of Avondale requested in the FY 2007/2008 CIP Prioritization Procedure that the Flood Control District cost share in the Elm Lane Drainage Improvements project ; and,

**WHEREAS**, the CIP request was recommended for approval by the Flood Control Advisory Board in FY 2007; and,

**WHEREAS**, the Elm Lane Drainage Improvements is herein defined as the storm drain(s) and basin(s) system as generally shown on Exhibit A.

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**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Flood Control District of Maricopa County authorizes and directs the Chief Engineer and General Manager to negotiate and prepare intergovernmental agreements and/or agreements with the City of Avondale, other municipalities, agencies and others, as appropriate, for cost sharing, rights-of-way acquisition, design, construction, construction management and future operation and maintenance including appropriate Flood Control District participation in landscape and multi-use improvements for the Elm Lane Drainage Improvements, subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the Flood Control District of Maricopa County is hereby authorized and directed to negotiate with landowners and/or appropriate agencies to obtain the necessary Rights-of-Entry, Property and/or Easements and all other necessary land rights and is authorized and directed to hire, retain or otherwise utilize the professional services of the County Attorney's office or private counsel to initiate and prosecute actions and proceedings in the manner required by law to condemn any and all Rights-of-Entry, Property, and/or Easements required for the implementation of the Elm Lane Drainage Improvements, which cannot be obtained by donation or purchase in the following locations:

T1N, R1W, Sections 15 & 22;

Subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the Flood Control District is authorized and directed to advertise, select, negotiate and award contracts for engineering services for implementation of the Elm Lane Drainage Improvements, subject to the ratification and approval of this Board; and,

**BE IT FURTHER RESOLVED** that the Chief Engineer and General Manager of the Flood Control District is authorized and directed to include funds in the District's current and future Five-Year Capital Improvement Program (CIP) for the Elm Lane Drainage Improvements, subject to the District's funding availability and subsequent approvals by this Board of future Five-Year CIP.

Dated this 22nd day of August 2007.

/s/ Fulton Brock, Chairman of the Board

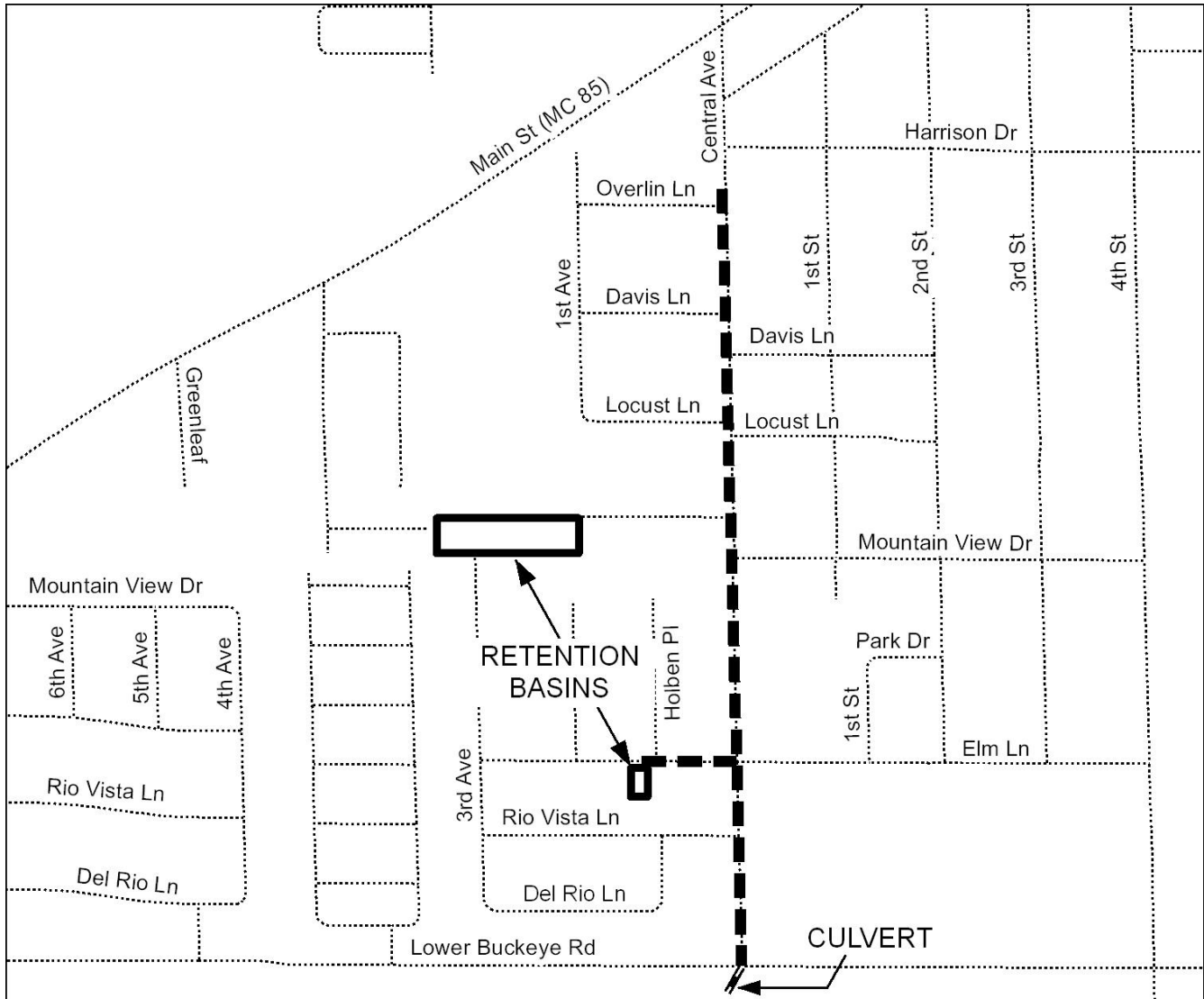
ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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Enclosure: Exhibit A, Resolution FCD2007R003

**EXHIBIT A: RESOLUTION FCD2007R003,  
ELM LANE DRAINAGE IMPROVEMENTS**



**Legend**

- ..... Streets
- ■ ■ Storm Drain

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**DECLARE FOUR PARCELS EXCESS**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to authorize the Flood Control District of Maricopa County to declare four parcels excess so they may be sold pursuant to statutory guidelines. The four parcels are as follows:

- 40+ acres located at Higley Road and Queen Creek Road in Gilbert, Arizona.
- 9+ acres located at Higley Road and Ocotillo Road in Gilbert, Arizona.
- 58+ acres located at Riggs Road and 164th Street adjacent to the East Maricopa Floodway in Gilbert, Arizona.
- 17+ acres located at the former Arlington School site on Arlington School Road in southwestern unincorporated Maricopa County.

The dollar amount on these properties is unknown as they have not been appraised. Maps on file in the Clerk of the Board's office. (C6908009B00) (ADM1903-002)

**CROSS-APPEAL IN THE MATTER OF A TUMBLING T RANCHES**

Motion was made by Director Stapley, seconded by Director Wilson, and unanimously carried (3-0-2) to ratify and approve the filing of a cross-appeal in the matter of A Tumbling T Ranches as filed by counsel for the Flood Control District on June 28, 2007. This matter was discussed in Executive Session on July 25, 2007. (C7508005M00) (ADM1900-004)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Andrew Kunasek, Acting Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board